

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 7-D-09-UR **Related File Number:**
Application Filed: 6/1/2009 **Date of Revision:**
Applicant: WIRELESS PROPERTIES II, LLC

PROPERTY INFORMATION

General Location: North side of Clinton Hwy., west of Wallwood Rd.
Other Parcel Info.:
Tax ID Number: 68 N B 23.02 **Jurisdiction:** City
Size of Tract: 1.29 acres
Accessibility: Access is via Clinton Hwy., a major arterial street with a four lane divided median section within a 135' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Existing business
Surrounding Land Use:
Proposed Use: 180' monopole telecommunications tower **Density:**
Sector Plan: Northwest City **Sector Plan Designation:** C & GC (1 yr plan)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The proposed site is located on the northeast side of the commercial corridor that has developed over the years along Clinton Highway.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 5634 Clinton Hwy
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-4 (Highway and Arterial Commercial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Tom Brechko

Staff Recomm. (Abbr.):

APPROVE the request for a 180' monopole telecommunications tower in the C-4 zoning district, subject to the following 7 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Revising the access easement so that the easement follows the existing driveways to the site and submitting a revised site plan reflecting the change.
4. Meeting all access requirements of the Knoxville Fire Marshal (minimum 20' driveway width with an approved turnaround that is 20' in width and 30' in depth)
5. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
6. Installing the proposed landscaping as shown on the landscape plan within six months of the tower becoming operational.
7. At the time of the request for a building permit, posting a bond or other approved financial surety that would ensure the removal of the tower if it is abandoned.

With the above conditions, this request meets all requirements for approval of a use-on-review in the C-4 zone.

Comments:

This is a request for a new 180' monopole telecommunications tower to be located within a 6,200 square foot lease area located on the northeast side of Clinton Hwy., northwest of Wallwood Rd. The subject property is zoned C-4 (Highway and Arterial Commercial), and telecommunication towers are considered as a use-on-review in this district.

The applicant, Wireless Properties, LLC is a tower management company. The proposed tower is being built as a capacity site. A capacity site is needed when existing towers and facilities cannot handle the volume of the demand placed on the present carriers in the area. Two carriers, Cricket Communications and Sprint Com, Inc. have submitted letters of intent on utilizing the tower to meet their current demands. The proposed tower will accommodate up to 5 wireless carriers. There are no other antenna support structures within one mile of the proposed site that are useable for the required coverage. An agreement has been submitted stating that Wireless Properties, LLC. agrees to make all of its facilities available to other wireless providers.

A 6' high wooden security fence is being provided. The perimeter of the fenced area will be landscaped with Leyland Cypress on 10' centers. FAA does not require any lighting for the tower and lighting will not be provided.

The Knoxville Zoning Ordinance requires that all towers shall be setback from properties zoned residential, 110% of the height of the tower. At a proposed height of 180', a 198' setback is required from the R-1 property to the northeast. A setback of 252' is being provided from that property line. The nearest residence is approximately 570' from the monopole base.

According to the Knoxville-Knox County Wireless Communications Facility Plan, the proposed location for the 180' monopole (classified as a "tall monopole") is considered to be in an "Opportunity Area" since it is located within an "office/commercial corridor". The plan takes a neutral position on a "tall monopole" at this location.

Attached to the staff report are several support documents, including a report from MPC's tower consultant, Mr. Larry E. Perry. Mr. Perry's report describes the proposal and highlights his findings. Mr. Perry concludes that the 180' tower is technically justified by the materials submitted by the applicant.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND

THE COMMUNITY AS A WHOLE

- 1. The proposed development will have minimal impact on local services since all utilities are in place to serve this development.
- 2. The base of the tower and the tower enclosure will be screened from adjoining properties. With the proposed screening and a 252' setback from adjoining residential property (and 570' to the nearest residence), the impact on nearby residences will be minimal.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

- 1. The proposed commercial telecommunications tower at this location, with the recommended conditions, meets the standards required in the C-4 zoning district.
- 2. The proposed tower is consistent with the general standards for uses permitted on review: The proposed tower is consistent with the adopted plans and policies of the General Plan and One Year Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Northwest City Sector Plan and One Year Plan identify this property for commercial use. The proposed development is consistent with this land designation.
- 2. The Wireless Communications Facility Plan identifies the proposed 180' monopole as a "tall monopole". Under the guidelines for Tower Placement section of the Facility Plan, the proposed tower falls within the "Opportunity Area" category since it is within an office/commercial corridor. The Plan takes a neutral position on a tall monopole at this location.

Action: Approved **Meeting Date:** 8/13/2009

- Details of Action:**
- 1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 - 2. Meeting all applicable requirements of the Knoxville Department of Engineering.
 - 3. Revising the access easement so that the easement follows the existing driveways to the site and submitting a revised site plan reflecting the change.
 - 4. Meeting all access requirements of the Knoxville Fire Marshal (minimum 20' driveway width with an approved turnaround that is 20' in width and 30' in depth)
 - 5. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
 - 6. Installing the proposed landscaping as shown on the landscape plan within six months of the tower becoming operational.
 - 7. At the time of the request for a building permit, posting a bond or other approved financial surety that would ensure the removal of the tower if it is abandoned.

With the above conditions, this request meets all requirements for approval of a use-on-review in the C-4 zone.

Summary of Action: APPROVE the request for a 180' monopole telecommunications tower in the C-4 zoning district, subject to 7 conditions:

Date of Approval: 8/13/2009 **Date of Denial:** **Postponements:** 7/9/2009

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**